IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 18098 of 2007(D)

PETITIONER:

SURENDRAN NAIR,
S/O VELAYUDHAN NAIR, T.C.26/14, PAN SHOP,
OPPOSITE TO SECRETARIAT (SOUTH OF HOTEL PANKAJ),
THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS:
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1. CITY COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM.

2. CIRCLE INSPECTOR OF POLICE,
PETTAH, THIRUVANANTHAPURAM.

3. SUB INSPECTOR OF POLICE,
VANCHIYOOR, THIRUVANANTHAPURAM.

4. D.SASANKAN, S/O DAMODARAN PILLAI,
DEVI DARSAN, UPPALAM ROAD, VANCHIYOOR,
THIRUVANANTHAPURAM.

5. K.DAMODARAN PILLAI,
S/O KALIPILLAI, PANKAJ VIHAR, UPPALAM ROAD,
VANCHIYOOR, THIRUVANANTHAPURAM.

6. D.RAMARAJAN, NAIR,
S/O.DAMODARAN PILLAI, DO. DO.

7. P.SARALA DEVI,
D/O.PANKAJAKSHI AMMA, DO. DO.

8. VIJAYALEKSHMI AMMA,
D/O PANKAJAKSHI AMMA, DO. DO.

9. D.CHANDRASENAN NAIR,
S/O DAMODARAN PILLAI, DO. DO.

10. D.RAGOOTHAMAN NAIR,
S/O DAMODARAN PILLAI, DO. DO.

11. D.EASWARACHANDRAN NAIR,
S/O DAMODARAN PILLAI, DO. DO.

12. P.SOBHAKUMARI,
D/O.PANKAJAKSHI AMMA, DO. DO.

GOVT.PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO.18098 OF 2007

APPENDIX

EXHIBIT P1: COPY OF PROFESSIONAL TAX RECEIPTS.

EXHIBIT P2: COPY OF LICENSE FEES RECEIPTS.

EXHIBIT P3: COPY OF BUILDING TAX RECEIPTS.

EXHIBIT P4: COPY OF ORDERIN RCP.27/1998 DATED 11.4.1996 OF THE RENT CONTROL COURT, THIRUVANANTHAPURAM.

EXHIBIT P5: PHOTOGRAPHS OF THE BUILDING.

EXHIBIT P6: COPY OF NOTICE DATED 22.2.2006 ISSUED BY THE SPECIAL TAHSILDAR TO THE PETITIONER.

EXHIBIT P7: COPY OF INTERIM ORDER WP(C).5863/06 DATED 1.3.2006.

EXHIBIT P8: COPYOF COMPLAINT DATED 21.4.2007.

EXHIBIT P9: COPY OF ACKNOWLEDGEMENT RECEIPT NO.255/07 DATED 21.4.2007.

/TRUE COPY/

PA TO JUDGE

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO. 18098 OF 2007

Dated this the 21st day of June, 2007

JUDGMENT

Raman, J.

This Writ Petition is filed seeking issuance of a writ of mandamus directing respondents 1 to 3 not to harass the petitioner compelling him to vacate the pan shop in T.C.26/14, opposite to Secretariat, Thiruvananthapuram and also for a direction to respondents 1 to 3 to give protection to the petitioner to thatch the roof of the said shop and against criminal action alleged to have been committed against respondents 4 to 12.

2. As regards the first prayer is concerned, the learned Government Pleader, on instruction, submits that pursuant to a complaint from the 10th respondent landlord, the parties were called as part of the routine enquiry to ascertain the truth or otherwise of the complaint and on finding that the dispute is purely a landlord-tenant dispute, no case was registered. They deny the allegation that any harassment may mete out to the petitioner. As regards the second prayer is concerned, the petitioner cannot seek any such

relief straight away from this Court invoking the extraordinary powers under Article 226 of the Constitution of India. The petitioner, if so advised, should seek such relief before the appropriate statutory authority. Since we have not expressed any opinion regarding the merits of the contentions raised and in that view of the matter, it is not necessary to issue notice to the respondents.

The Writ Petition is closed subject to the above observations.

P.R.RAMAN, JUDGE

K.HEMA, JUDGE

vgs.